

UNITED STATES OF AMERICA,)
)
)
 v.) UNITED STATES' MOTION TO
) COMPEL EXPERT REPORTS
 LEONID ISAAKOVICH TEYF,) AND MOTION TO EXPEDITE
 Defendant.)

Pursuant to the Order at D.E. 334, defense were to have provided notice of their experts, and reports, by January 13, 2020. While summary notice was filed February 5, 2020, no reports have yet been received by defendant. The notice received did not otherwise comply with the requirements of Fed. R. Crim. P. 16.

(C) *Expert Witnesses.* The defendant must, at the government's request, give to the government a written summary of any testimony that the defendant intends to use under Rules 702, 703, or 705 of the Federal Rules of Evidence as evidence at trial, if—

This summary must describe the witness's opinions, the bases and reasons for those opinions, and the witness's qualifications[.]

1) Robert Wilson, Forensic Accounting Expert. Mr. Wilson will testify as to the tracing analysis and other forensic techniques necessary to support the money laundering charges in this case. His testimony will apply specialized knowledge to the facts of this case, and will include

an assessment as to the lack of any basis for tracing the applicable incoming wire transfers to the proceeds of any unlawful activity. Mr. Wilson will further testify about various legitimate uses of offshore companies and accounts, including but not limited to: reduction of financial risk given unreliable bank protections in certain countries; established banking expertise; confidentiality; and financial efficiency. Mr. Wilson will also rebut testimony offered at trial by the Government's expert, Drew Holiner, as appropriate.

2) Gennady Esakov, Russian Criminal Law Expert. Mr. Esakov will testify as to the necessary legal and factual bases for prosecuting the crimes, including bribery, under Russian law testified to by Drew Holiner. Mr. Esakov will also testify in regard to the lack of any evidence of an investigation or criminal proceedings in Russia with respect to the relevant allegations against Mr. Teyf, and the consequences and impact of the lack of such evidence on the determination of whether the offense of bribery occurred under applicable Russian law. His testimony will apply specialized knowledge to the facts of this case. He will also rebut Mr. Holiner's expected testimony at trial, including, but not limited to, testimony that the alleged conduct of Mr. Teyf (if proven) would violate various identified provisions of the Russian Criminal Code.

D.E. 444. While the government did separately receive the qualifications of these two witnesses, the above notice is all the information the government has received from defendant regarding each witness's opinions, the bases and reasons for those opinions. This notice is woefully insufficient under Rule 16.

The government has sought the reports, or even a definitive statement as to whether reports are forthcoming, to no avail. Given final motions are due Monday, March 9, with trial to start Monday, March 16, the government requests the Court expedite consideration of this motion, and order the reports of defense witnesses be provided no later than 5:00 p.m. Thursday, March 5, 2020.

III. CONCLUSION

For all the above-stated reasons, the defendant should be compelled to provide specifics as to the opinions, bases and reasons immediately, or be excluded from the use of such witnesses.

Respectfully submitted this 4th day of March, 2020.

ROBERT J. HIGDON, JR.
United States Attorney

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CERTIFICATE OF SERVICE

This is to certify that I have this 4th day of March, 2020, served a copy of the foregoing filing upon counsel for the defendant in this action by electronically filing the foregoing with the Clerk of Court, using the CM/ECF system that will send notification of such filing to:

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